



It was a long 140 days but the 89th Texas Legislature has finally concluded. 2025 will be remembered as a year in which TAPA preserved every aspect of the healthcare liability reforms that were passed in 2003. Additionally, we also prevented bills from becoming law that created new ways to sue healthcare providers.

We could not have done it without our members. Thank you.

We monitored, opposed and weighed in on more than 50 bills, but the highlights are:

1. TAPA preserved the cap on non-economic damages in medical malpractice cases. This cap is a lynchpin of the reforms enacted in 2003, and a primary reason that physicians, hospitals and nursing homes have liability premiums as much as 400% lower than healthcare providers in other states like Florida and New Mexico. Preservation wasn't easy, as a bill to raise this cap by 70% and then index it to the CPI was filed by two Republican members of the Texas House of Representatives (Pierson from Rockwall and Hopper from Decatur). Both of these freshman representatives must be unaware of the access to care crisis that existed before the caps were passed and the significant struggles that patients in Florida and New Mexico endure as a result of not having reasonable medical liability protections. TAPA hopes to educate with them on our experiences before the next legislative session in 2027.
2. TAPA helped defeat a bill that would have created significant civil & criminal liability for any person or entity that made a mistake when trying to follow a patient's request to not resuscitate (a DNR). Mistakes happen. Especially in the frantic, stressful life and death environment of the Emergency Room. Current law provides a remedy for patients when those unfortunate mistakes happen. But adding criminal convictions (1st degree felony) for an honest mistake while a physician and nurses frantically battle the clock to save a trauma patient is a bad law, bad policy and generally a bad idea.

3. TAPA helped defeat a bill that would have increased the number of Plaintiffs in lawsuits by adding siblings as beneficiaries under the wrongful death act. More Plaintiffs means higher insurance premiums.
4. TAPA helped defeat a bill that would have awarded significant damages to parents who claimed their child had a reaction after receiving an unwanted vaccine, regardless of whether the child had any significant or lasting injuries. Once again, more lawsuits and higher insurance premiums would have resulted.
5. TAPA helped defeat a bill that would have created automatic liability for hospitals if they prohibited guns and then any act of violence occurred on their premises. Liability should be conditioned on whether a hospital was negligent, not automatic just because of a certain policy. If the policy contributed to the violence, then liability already exists in Texas. But if the policy had no bearing on the violence, then liability shouldn't be automatic.
6. TAPA helped defeat a bill that would have eliminated an important defense for medical schools, hospital districts and the physicians/employees that work for them. Governmental employees have certain protections under Texas law. You can sue the governmental entity, but not the employee. This bill would have eliminated an important right of appeal for those medical residents and government physicians/nurses.

Every year we are further removed from the crisis that existed in 2002 and triggered the bi-partisan passage of important medical liability reforms. Every year there are fewer lawmakers that remember why these laws exist. We must continue to educate and tell our story so that Texas patients don't face the same challenges that previously existed in Texas and currently exist in New Mexico and Florida.



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